

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 08-91 (JMR / SRN)

Plaintiff,

ORDER

v.

Terrill Doneil Smith,

Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated September 15, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Defendant's motion to suppress evidence (Doc. No. 11) is DENIED; and
2. Defendant's motion to suppress statements (Doc. No. 12) is DENIED.

DATED: October 1, 2008.

s/James M. Rosenbaum
Judge James M. Rosenbaum
United States District Court Judge